



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,258	07/12/2001	Sarat C. Sankaran	60025-0012	3816

21186 7590 10/11/2006

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT PAPER NUMBER

3623

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,258

Applicant(s)

SANKARAN ET AL.

Examiner

Susanna M. Diaz

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005 and 17 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,15-25,27-35 and 37-57 is/are pending in the application.
- 4a) Of the above claim(s) 1,3-13,15-24,46,48,50 and 51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25,27-35,37-45,47,49 and 52-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This final Office action is responsive to Applicant's amendment filed December 23, 2005 and Applicant's election filed July 17, 2006.

Applicant has elected Species II (claims 25, 27-35, 37-44, 47, 52, and 53 along with generic claims 45, 49, and 54-57) without traverse. Non-elected claims 1, 3-13, 15-24, 46, 48, 50, and 51 stand as withdrawn.

Claims 25, 27-35, 37-45, 47, 49, and 52-57 are presented for examination.

Response to Amendment

2. All previously pending objections are withdrawn in response to Applicant's amendments and arguments.

The previously pending rejection under 35 U.S.C. § 101 is withdrawn in response to Applicant's arguments.

Response to Arguments

3. Applicant's arguments filed December 23, 2005 have been fully considered but they are not persuasive.

Applicant asserts that Sultan does not teach a hierarchy of one or more products or one or more customers selected from various nodes (page 19 of Applicant's response). Sultan clearly deals with multiple types of products and customers (specific goods and customers may be identified, as seen in col. 6, lines 41-48). The claimed invention does not define how the hierarchy is arranged. A node merely refers to each

type of product or customer; therefore, without defining any explicitly established relationship among nodes in a hierarchy, any collection of nodes may be viewed as some form of a hierarchy. For example, a selected node of interest may take priority in a hierarchy upon selection.

Applicant continues to argue that Mentzer does not show that “products are organized in a ‘product data hierarchy’ where each product is a node within such a hierarchy” (page 20 of Applicant’s response). Again, the claimed invention does not define how the hierarchy is arranged. A node merely refers to each type of product or customer; therefore, without defining any explicitly established relationship among nodes in a hierarchy, any collection of nodes may be viewed as some form of a hierarchy. For example, a selected node of interest may take priority in a hierarchy upon selection. Sultan clearly deals with multiple types of products and customers (specific goods and customers may be identified, as seen in col. 6, lines 41-48).

Regarding claims 45-48, Applicant broadly asserts that Applicant cannot find all of the recited limitations in the prior art. It is not clear which part of the art rejection of each of these claims Applicant is contesting. General allegations of patentability are improper without specific support for such allegations.

In conclusion, Applicant’s arguments are not persuasive.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3623

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25, 27-35, 37-45, 47, 49, and 52-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sultan (U.S. Patent 6,804,657) in view of Mentzer et al. (Mentzer et al., Benchmarking Sales Forecasting Management, Business Horizons, May-June 1999, p. 48-56 [GOOGLE]).

As to claims 25, 27-35, and 37-44, Sultan discloses an approach for managing forecast data comprising a method for managing forecast data by identifying, from a plurality of customers, a set of one or more customers associated with a particular user; selecting a set of one or more products from a plurality of products; and allowing the particular user to access forecast data for the set of one or more products for each customer for the set of one or more customers; and by identifying, from a plurality of products, a set of one or more products associated with a particular user; and selecting a set of customers from a plurality of customers. Specifically, Sultan teaches generating a real time global sales forecast for a company that includes the steps of defining a hierarchical structure for a sales force of the company and defining a place within the structure for each member thereof. Original pipeline sales information may then be remotely entered by members of the sales force tagged to the customer, to the relevant product and/or services and to that member of the sales force having entered it. Pipeline sales information is defined as the value of the goods and/or services that the sales person believes he or she will sell to a given customer over a specified period of time. Each member of the sales force is assigned a permission level that determines

Art Unit: 3623

what information is available to each person within the sales force and in particular, what forecast information is visible, accessible and/or modifiable to and by each person. The rolled up pipeline and/or forecast information may represent a Regional Manager's rolled up forecast to include all those directly or indirectly reporting to him; or may represent anticipated sales across product lines or for a single product, for any period for which pipeline information exist (Abstract, col. 5, lines 13-31, col. 6, lines 27-48 and col. 11, lines 9-26). Sultan fails to teach allowing the particular user to access forecast data for the set of one or more customers for each product for the set of one or more products. Mentzer et al. teach a functional integration stages where in stage 1, marketing wants yearly products line forecasts and sales wants quarterly forecasts by salesperson territory. To improve, integration requires that common goal setting with regard to forecasting be encouraged across functional areas through communication and company-wide information access. In forecasting approach stage 4, companies fully realize that top-down and bottom-up forecasting approaches are interdependent rather than independent processes. Thus, any changes to one forecast are reconciled with forecasts at the same level from the other approach. To improve the forecasting approach, companies should investigate the possibility of segmenting out key customers and forecasting them separately. Products can also be segmented, with the segments divided according to their demand partners, importance to the company, responsiveness to demand promotions, life cycle stage, shelf life, value, customer service sensitivity, and raw material and production order lead times. To improve forecasting systems, customers should move to a client-server architecture, which

Art Unit: 3623

abolishes the “islands of analysis” and allows all the functional areas involved in or affected by the forecast to have access and input into the process (para 10, 27, 32, 38). It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to include the recommendations of Mentzer et al. with the teachings of Sultan since Sultan teaches generating real time sales forecasts upon demand (col. 2, lines 8-37). Accuracy of sales forecast allows companies to respond quickly to today’s ever-changing customer demand. Having up-to-the minute forecasting capabilities, corporations and managers are able to flexibly allocate human and physical resources where they will be most effective and identify and anticipate trends in the marketplace (Sultan: col. 12, lines 24-29). Forecasting performance evaluation is still based on accuracy, but with more recognition that accuracy affects inventory levels, customer service, and marketing and financial plans (Mentzer et al.: Figure 7, Stage 3). Both Sultan and Mentzer et al. teach sales forecasting, therefore there is motivation to combine with a reasonable expectation of success, and the features of the invention are taught by the combination of Sultan and Mentzer et al.

Claims 45, 47, 49, and 52-57 recite limitations already addressed by the rejection of claims 25, 27-35, and 37-44 above; therefore, the same rejection applies.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3623

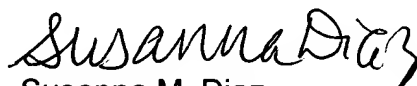
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Susanna M. Diaz
Primary Examiner
Art Unit 3623

October 2, 2006